IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE SE/S Ruxton Court, 230' W of the \* DEPUTY ZONING COMMISSIONER c/l of L'Hirondelle Road (1600 Ruxton Court) \* OF BALTIMORE COUNTY 9th Election District 4th Councilmanic District \* Case No. 91-36-A Todd M. Hebb Petitioner

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioner herein requests a variance to permit in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

**AFFIDAVIT** 

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s)

That the Affiant(s) does/do presently or upon settlement will reside at \_\_\_\_\_\_

That based upon personal knowledge, the following are the facts upon which I/we base the request for

for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

1600 Ruxton Ct., Baltimore, Md. 21204

The undersigned hereby affirms under the penalties of perjury to the Zoming Commissioner of

in support of residential zoning variance 9/-36-A

AFFIAMT (Handwritten Signature)

AFFIANT (Printed Name)

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this One day of August, 1990 that the Petition for Residential Variance to permit a fence height of 72 inches in lieu of the maximum permitted 42 inches to be located in a front yard which adjoins the front yard of a neighboring lot on which a house is built, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The variance granted herein is limited to a 72inch high fence to be placed inside the plantings depicted in the photographs submitted and identified as Petitioner's Exhibits 2A through 2F.

- 2-

/- MNohmin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

LIBER7 4 9 8 PAGE 5 1 2

Beginning for the same on the southeast side of Ruxton Court as shown on the Plat of Ruxton Court recorded among the Plat Records of Baltimore County in Plat Book G.L.B. 19, folio 31, said point of beginning being on the division line between lots numbered three and four as shown on said plat of Ruxton Court running thence and binding on the east side of Ruxton Court as shown on said plat by a curve to the left with a radius of 45.00 feet a distance of 38.90 feet the chord of said arc being north 14 degrees 23 minutes 41 seconds east 37.70 feet to the division line between lots numbered 4 and 5 as shown on the aforementioned plat of Ruxton Court running thence and binding on said last mentioned division line between lots 4 and 5 north 79 degrees 36 minutes 31 seconds east 110.51 feet to intersect the western right of way line of the Northern Central Railroad, thence with said right of way line by a curve to the left with a radius of 3471.00 feet to a distance of 162.00 feet, the chord of said arc being south 3 degrees 47 minutes 30 seconds east 161.97 feet to the division line between lots numbered three and four as shown on the aforementioned plat of Ruxton Court running thence and binding on said last mentioned division line north 50 degrees 50 minutes 20 seconds west 166.50 to the place of beginning. Containing 11660 square feet of land more or less. Subject however to an easement for storm drains of variable width as shown on the Plat of Ruxton Court recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 19, folio 31. Being lot No. 4 as shown on the Plat of Ruxton Court recorded among the Plat Records of Baltimore County in Plat Book G.L.B. 19, folio 31. The improvements thereon being known as No. 1600 Ruxton Court.

BEING the same lot of ground which by Deed dated February 18, 1972 and recorded among the Land Records of Baltimore County in Liber OTG No. 5250, folio 717 was granted and conveyed by Midstate Federal Savings and Loan Association to Reginald A. Stewart and Fannie Krozer Stewart, his wife. The said Fannie Krozer departed this life on or about 6/30/77, thereby vesting title in Reginald A. Stewart, by survivorship, in fee simple.

#

Zoning Commisione County Office Building 111 West Chesapeake Avenue

2931 2945

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Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Mr. Todd M. Hebb

1600 Ruxton Court

Baltimore, Maryland 21204

August 27, 1990

Dennis F. Rasmussen

RE: PETITION FOR RESIDENTIAL VARIANCE SE/S Ruxton Court, 230' W of the c/l of L'Hirondelle Road (1600 Ruxton Court) 9th Election District - 4th Councilmanic District Todd M. Hebb - Petitioner Case No. 91-36-A

Dear Mr. Hebb:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

a Mwshuma ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

File

AMN:bjs

91-36-A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towsen, Maryland	
Posted for: Residential Variance Petitioner: Todd M: Hebf Location of property: 230' W of Ruston Court & 1600 Ruston Court	Date of Pesting July 28, 1990
Petitioner: Todd: M. Hebf Location of property: 230' W of Ruston Court a	to eft of Hirondelle Road.
1600 Rufton Court Location of Signe In front of 1600 Rufto	x Court
Remarks:	Quant 3 1990

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

2945

H9100011

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X TBTAL: \$60.00 LAST NAME OF OWNER: HEBB

\* PAID PER HAND-WRITTEN RECEIPT #2931 DATED 7/13/90

PETITION FOR RESIDENTIAL VARIANCE

To allow a fence height of 72 in. in lieu of 42 in. in a front yard which

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

Attorney for Petitioner:

(Type or Print Name)

The undersigned, legal owner(s) of the property situate in Beltimore Count the description and plat attached hereto and made a part hereof, petition for a Variance from Section 427

adjoins the front yard of a neighboring lot on which a house is built. WAP NIM WIS of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons line Adjacent to Neighbors front door. Property is to be advertised end or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Todd M. HEbb (276-3166

> > 1600 Ruxton Ct. (337-7792

ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of Just, 1990, that the subject metter of this 

ZONING COTMISSIONER OF BALTIMONE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_\_, 19\_\_\_\_\_, that the subject metter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ o'clock,

ZONING COMMISSIONER OF BALLIMURE COUNTY

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

July 25, 1990

Mr. Todd M. Hebb 1600 Ruxton Court Baltimore, Maryland 21204

Dennis F. Rasmusser

Re: CASE NUMBER: 91-36-A

ITEM NUMBER: 11

LOCATION: 1600 Ruxton Court

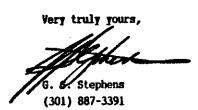
Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 8, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 23, 1990). Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to b held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



To build a 6' high wooden fence on property line adjacent to neighbors side entrance door. That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. 1Dre. Who

Baltimore County, as follows:

regard thereto.

Todd McConkey Hebb AFFIANT (Printed Name)

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made cath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITMESS my hand and Notarial Seal.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

August 15, 1990

Dennis F. Rasmussen

RE: Item No. 11, Case No. 91-36-A Petitioner: Todd M. Hebb Petition for Residential Variance

Dear Mr. Hebb:

Mr. Todd M. Hebb

1600 Ruxton Court

Baltimore, MD 21204

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Chairman Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



Your petition has been received and accepted for filing this 18th day of July, 1990.

> J. ROBERT HAINES ZONING COMMISSIONER Received By: Zoning Plans Advisory Committee

Petitioner: Todd M. Hebb, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: August 6, 1990

AUG O 8 1900

Pat Keller, Deputy Director

SUBJECT: Todd M. Hebb, Item No. 11

Office of Planning and Zoning

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM11/ZAC1

( ) PARKING LOCATION ( ) RAMPS (degree slope) ( ) NUMBER PARKING SPACES ( ) CURB CUTS ( ) BUILDING ACCESS ( ) SIGNAGE

ZONING TIEM #: 11 PROPERTY OWNER:

FLECTION DISTRICT:

COUNCILMANIC DISTRICT:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

LOCATION:

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

PERMITS & LICENSES

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

AUG C 5 1990

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

SUBJECT:

HANDICAPPED.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke Chief

July 30, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning
Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen County Executive

RE: Property Owner: #1600 RUXTON ROAD Location:

> Zoning Agenda: AUGUST 7, 1990 Item No.:

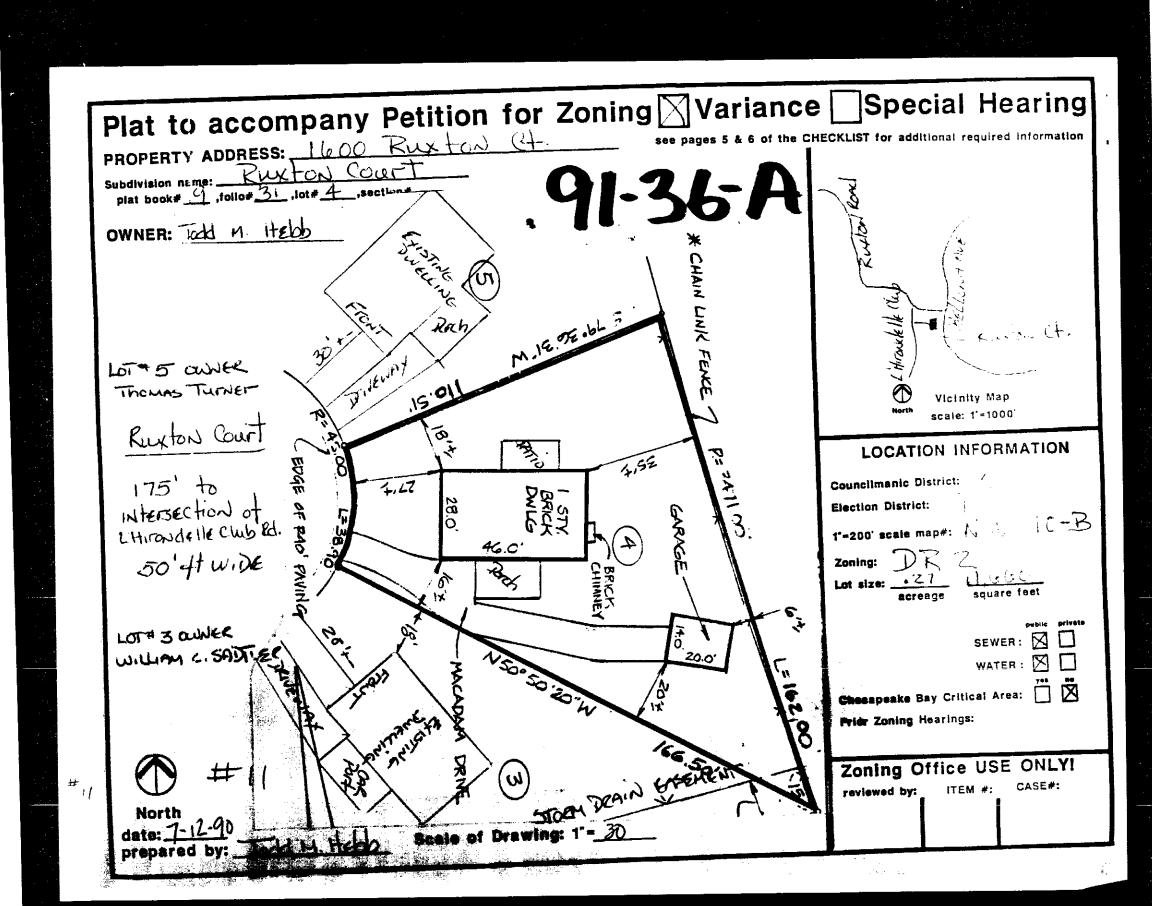
Gentlemen:

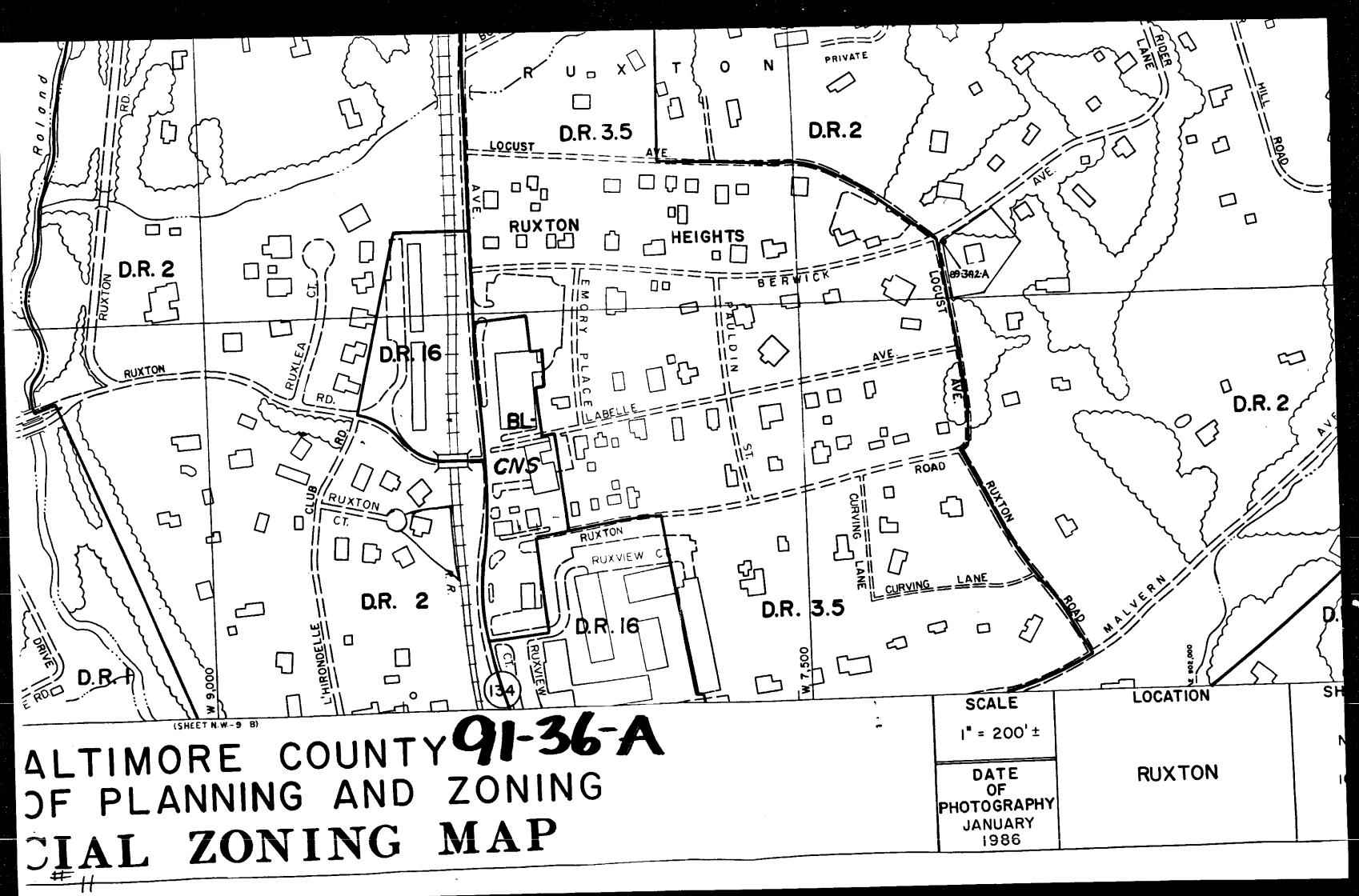
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

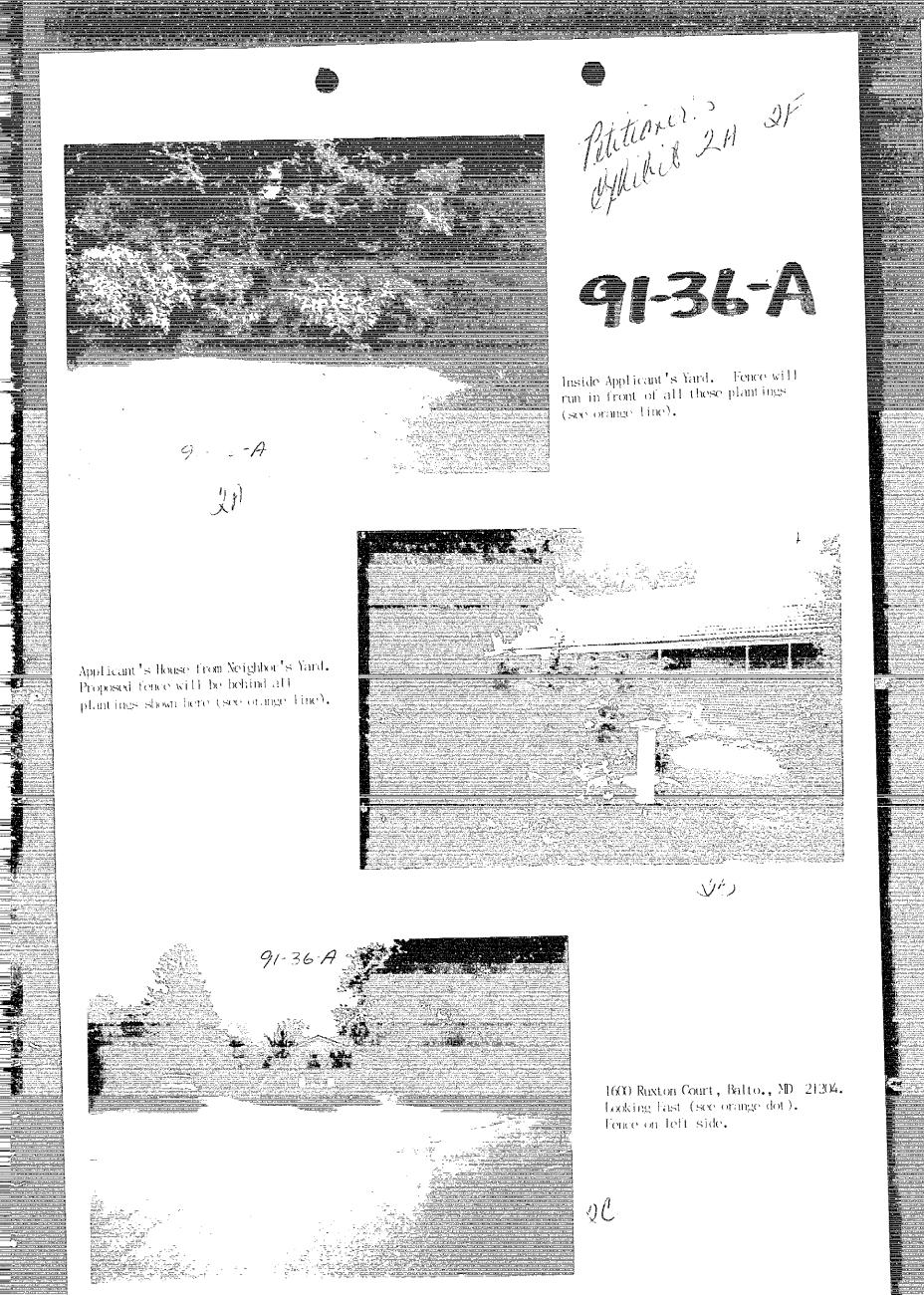
7. The Fire Prevention Bureau has no comments at this time.

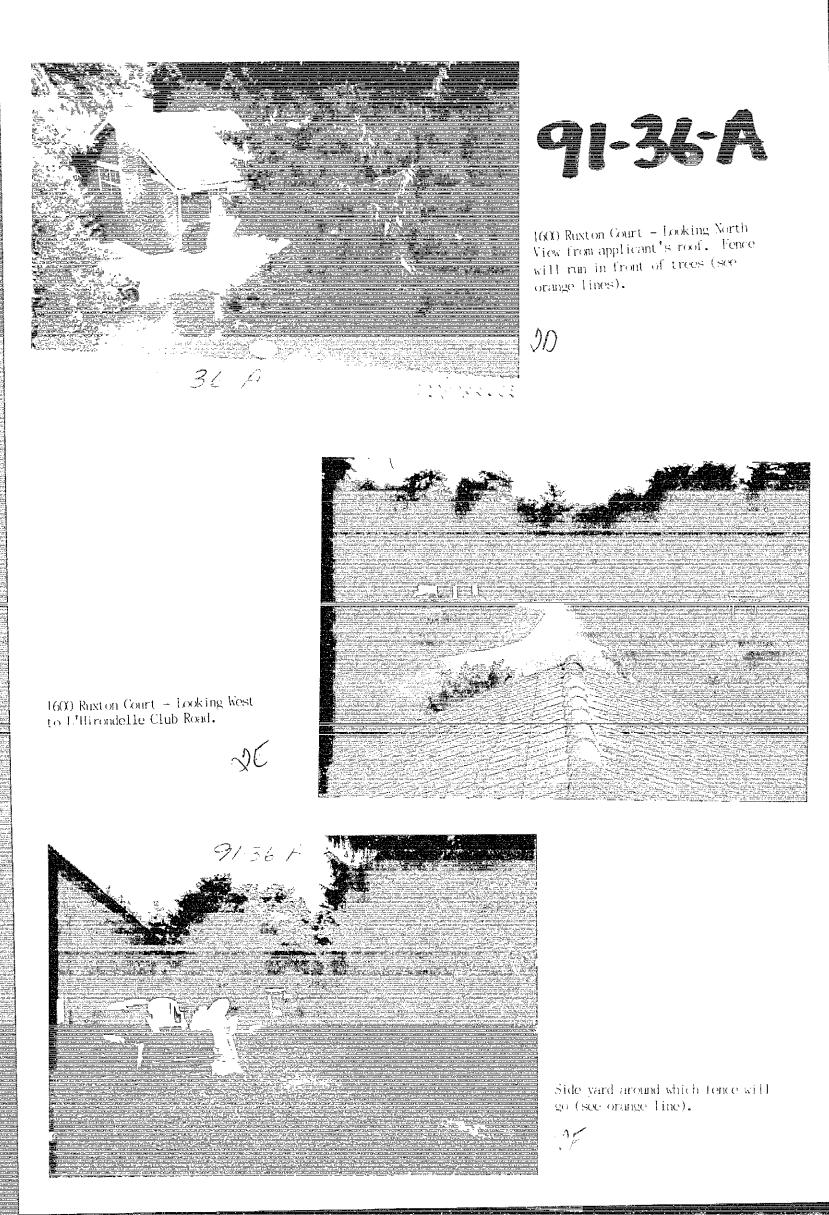
REVIEWER: Catt for the 7-33-90 Approved Captain F. Brack Kelly 7-33-90 Approved Fire Prevention Bureau Special Inspection Division

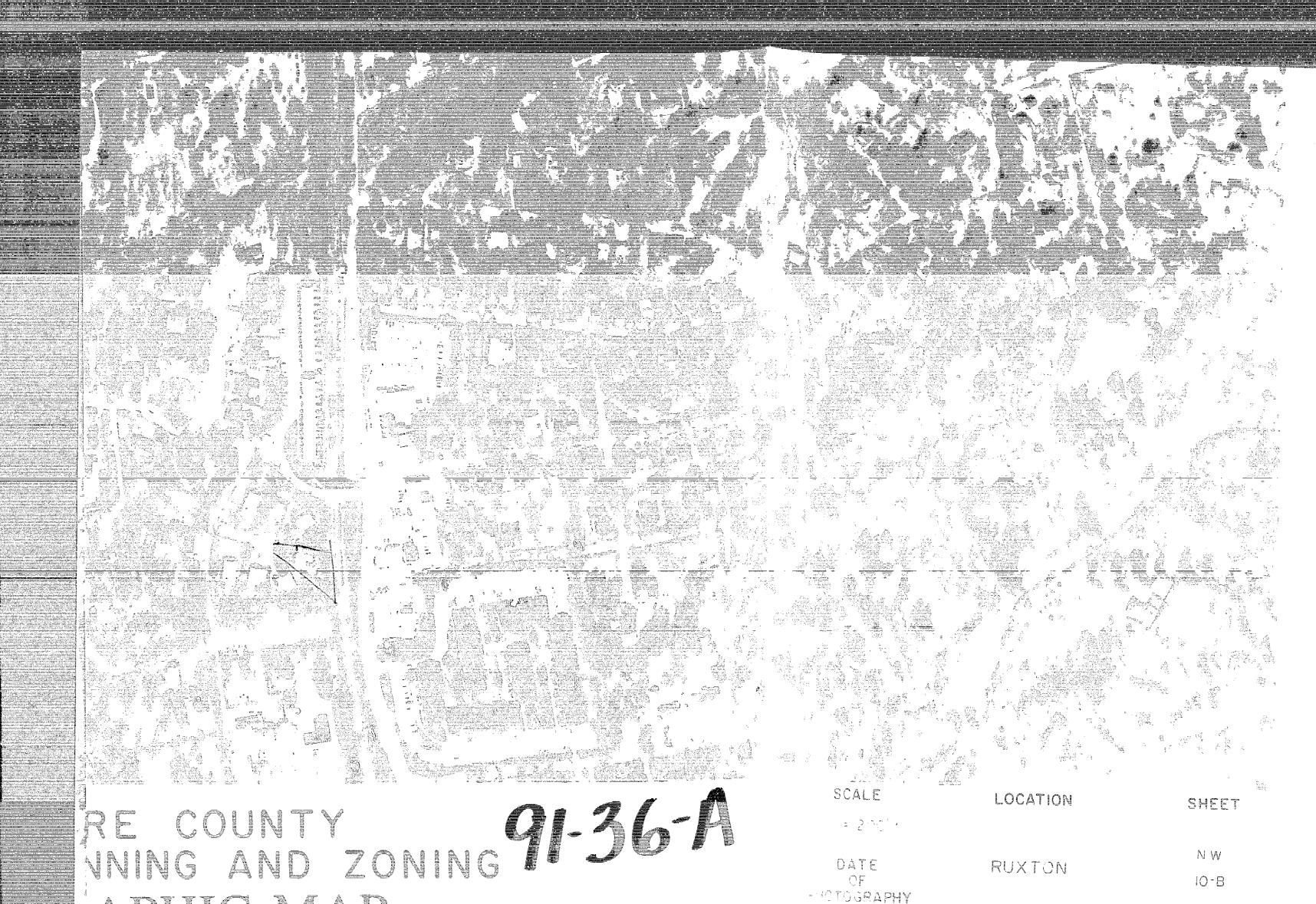
JK/KEK











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